

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

Crl.MC.No. 2996 of 2007()

CRIME NO.470/01 OF KASARAGOD POLICE STATION
L.P.C.NO.19/04 IN CC.467/01 OF C.J.M, KASARAGOD

PETITIONER: (ACCUSED)

P.A.ABDULRAHIMAN, S/O.ABDULLA,
PULINTHOTI, KALANAD P.O.,
KASARAGOD DISTRICT.

BY ADV. SRI.T.SETHUMADHAVAN

RESPONDENTS: (COMPLAINANT)

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM. (CRIME NO.470/2001 OF KASARAGOD
POLICE STATION).

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.2996 of 2007

Dated this the 27th day of September, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 185 of the Motor Vehicles Act and Section 353 I.P.C. Investigation is complete. Final report has already been filed. Cognizance was taken in 2001. The petitioner was not available to be proceeded with. In these circumstances, the case against the petitioner has been transferred to the list of Long Pending Cases in 2004. Coercive processes have been issued against the petitioner. The petitioner thus finds warrants of arrest issued by the learned Magistrate chasing him.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful. He is willing to surrender before the learned Magistrate and seek bail. But he apprehends that his application for regular bail may not be considered by the learned Magistrate on merit, in accordance with law and expeditiously. In these circumstances, the petitioner prays that directions under Section 438 and/or 482 Cr.P.C may be issued in his favour.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-

